

THE MARTHA'S VINEYARD COMMISSION

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Martha's Vineyard Commission Minutes for the Special Meeting of October 4, 2001

The Martha's Vineyard Commission (the MVC or the Commission) held a Special Meeting on Thursday, October 4, 2001, at 7:30 p.m. in the first floor conference room at the Commission Offices in the Olde Stone Building, 33 New York Avenue, Oak Bluffs, Massachusetts.

At 7:38 p.m., a quorum being present, James Vercruysse – a Commission member at large from Aquinnah as well as the Chairman of the Commission – called the Special Meeting to order. *[Commission members present at the gavel were: C. Brown; M. Cini; D. Flynn; J. Greene; T. Israel; M. Ottens-Sargent; K. Rusczyk; L. Sibley; R. Toole; J. Vercruysse; R. Zeltzer. Mr. Best arrived at the Meeting at 7:45 p.m.]*

Concurrency Vote: Zeltzer Holding Company, LLC Modification (DRI #485M).

Chairman Vercruysse suggested that the Commission proceed slightly out of order and address the Concurrency Vote on the Agenda first. *[See the Full Commission Meeting File of October 4, 2001 (the meeting file) for a copy of the Agenda. Chilmark Commission member at large Robert Zeltzer, who was applying for the Modification, left his seat at the table and sat in the audience area.]*

The Commission then considered whether or not a full Public Hearing was in order for a Modification to DRI #485 applied for by the Zeltzer Holding Company, LLC for the Sodapops business in Tisbury. The MVC's DRI Coordinator, Jennifer Rand, related that the Applicant had received a letter from the Tisbury Building Inspector, instructing him to apply for a Modification in order to continue to offer live entertainment. The issue had arisen, she said, because the Vineyard Clay House Applicant (DRI #489-1M-4) had recently been before them for the same reason.

In both cases, Ms. Rand continued, the Applicants had failed to include live entertainment as a component of their original Application proposals. She explained that the only difference between the Modifications was that the Vineyard Clay House had received a parking variance from the Tisbury Board of Appeals which had to be re-

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addressed in light of the addition of live entertainment; Sodapops, on the other hand, had not required, and would not require, a parking variance.

Ms. Rand noted that the entertainment at Sodapops was primarily offered on Sunday afternoons from noon until two; in the wintertime, high school bands played on Friday and Saturday evenings. No alcohol was allowed on the premises, she said, and there was no charge for the entertainment.

The Monday before, Ms. Rand went on, the Land Use Planning Committee (LUPC) had considered the Modification and had voted to recommend not concurring with the referral. If this occurred, she said, the Application would go back to the Town; there being no live entertainment permits required by Tisbury in a no-charge/no-alcohol situation like this, Sodapops could simply carry on as it had.

Responding to a question from Chairman Vercruysse, Richard J. Toole – an Oak Bluffs Commission member at large as well as the Chairman of the LUPC – answered that Ms. Rand's summary had been accurate. The committee had recognized that parking was not an issue in this instance, he added.

Robert Zeltzer, the Applicant, began by explaining that since he was the principal in the limited liability corporation, he was permitted to represent himself and not required to hire someone to do that. The original concept for Sodapops, he continued, was "to create a venue which would be of benefit to the Island." He related that the principal attendees on Sundays were from the Windemere retirement facility. Besides the entertainment on Sundays, he said, bands would play between nine-thirty and midnight either on Friday or Saturday, but never both evenings. "It's a place to get people off the streets," he added. "You're not required to pay anything. You're not required to buy anything."

Mr. Zeltzer described how additional parking had been provided behind the big building at the bottom of the "U" of the Tisbury Marketplace and that virtually all of the rental trucks as well as employee vehicles were now parked back there. "So we now have, basically, parking for well over a hundred cars," he said, "and on a Sunday afternoon there are perhaps 20 cars parked there."

Megan Ottens-Sargent, the Aquinnah Selectmen's Appointee, made a **Motion Not To Concur With The Referral Of The Zeltzer Holding Company Modification**, duly seconded by Jane A. Greene, the Selectmen's Appointee from Chilmark.

The Tisbury Selectmen's Appointee, Tristan Israel, said that for the sake of consistency, he was glad the Building Inspector had sent up the Modification. He suggested that in the future the Commission might consider asking Applicants who owned small eateries if they intended to have entertainment on the premises. He pointed to the possibility of "a different owner with different sensibilities" having, for instance, "a big rock group" perform, which could, in fact, impact parking. *[Mr. Best arrived at this point, 7:45 p.m.]*

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Ms. Greene asked if the Town of Tisbury had ever considered requiring entertainment licenses. Mr. Israel indicated that Town Administrator Dennis Luttrell was looking into that. Mr. Toole pointed out that Mr. Zeltzer would be limited strictly to what he had asked for; charging for admission, for instance, would be beyond the scope of what had been granted. Linda Sibley, a West Tisbury Commission member at large, agreed that if the Applicant started to charge admission, he would be in violation of the Commission's Decision.

Chairman Vercruysse then conducted a voice vote on Ms. Ottens-Sargent's Motion, which carried unanimously. The time was 7:38 p.m.

AYES: C. Brown; M. Cini; D. Flynn; J. Greene; T. Israel;
M. Ottens-Sargent; K. Rusczyk; L. Sibley; R. Toole;
and J. Vercruysse.

NAYS: None.

ABSTAINING: None.

[Mr. Best had arrived late and so did not qualify for the vote.]

Continued Public Hearing: Beach Road Realty Trust (DRI #535).

[Mr. Zeltzer, who had a conflict, left the Meeting. Thus, the Commission members present for the Continued Public Hearing were: J. Best; C. Brown; M. Cini; D. Flynn; J. Greene; T. Israel; M. Ottens-Sargent; K. Rusczyk; L. Sibley; R. Toole; and J. Vercruysse.]

The Chairman handed the gavel to Mr. Toole, who was the Hearing Officer for the evening. Mr. Toole read into the record the Notice of Continued Public Hearing for the Beach Road Realty Trust Office Building (DRI #535) in the Town of Tisbury. *[See the meeting file for a copy.]* He then outlined the Hearing procedure and explained that the plan had been slightly modified since the first two Hearing sessions (January 18, 2001 and May 3, 2001).

Mr. Israel asked if questions from the first two sessions were still part of the record. Mr. Toole answered that they were.

Representing the Applicant, Sean Murphy introduced himself as well as **the designer of the project, Bruce MacNelly of MacNelly Cohen Architects**. Mr. Murphy provided a brief history of the buildings on the site, noting that currently a car rental business operated there. The proposal, he continued, was to construct a two-story office building. "Our goal," he said, "is to replace what could best be described as blight, I suppose." Mr. Murphy then showed photographs of the four sides of the current building on the site.

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Mr. Murphy stressed that the new office building would provide a year-round economic benefit to the neighborhood and would not be, for instance, a retail space catering to tourists. In addition, he said, the Applicant had presented the project to the Tisbury Site Plan Review Committee for the Waterfront Commercial District, which had approved the plan with some comments.

Under zoning, 17 parking spaces were permitted on the lot, noted Mr. Murphy, who added that having only 17 spaces would allow them to encourage the use of public transportation. The Applicant intended to contract with the Tisbury Park-and-Ride for whatever spaces they needed, he added, and to work with the Regional Transit Authority on discounted bus passes for tenants and employees.

Architect Bruce MacNelly spoke briefly about the context of the proposed structure, starting with a tour through the three-dimensional model that was on display. He pointed to the larger buildings in the area, like the Wintertide building, which established a rhythm for the area, punctuated by smaller buildings in the interstices between the larger ones. One thing he had tried to do, he continued, was to keep the building close enough to the street so that there was "a sense of commonality along the street and also to keep this rhythm of fairly large buildings."

Mr. MacNelly then outlined the changes in the design since the previous Hearing session. For one thing, the bulk of the structure had been reduced drastically to make it more compatible with medium-sized buildings in the area, like the *Martha's Vineyard Times* building across the street. In addition, the structure had been split in two, with a secondary piece that acted like a satellite "that starts to act like some of the smaller buildings," he explained, characterizing the nearby buildings as basic waterfront structures with the kinds of subtle detailing – in window treatment and cornices, for instance – that he had tried to carry over in the design of the new building.

Another concern raised by the Commission had been the stone wall with a raised terrace along the front of the building, needed because the building had to be raised up to meet the flood level, Mr. MacNelly continued. To soften the edge and make the terrace more accessible to the public, he said, he would be using plantings to mark the edge of the street, as was done with other buildings in the area.

Mr. MacNelly then referred the members to a three-page document he had distributed earlier, which contained a diagram of the footprint of the existing structure on the site overlaid with an outline of the proposed structure, demonstrating that the existing building was, in fact, much closer to the road. *[See the meeting file for a copy of said document.]*

Using a three-dimensional drawing, Mr. MacNelly showed how instead of the simple two-story building of the original design, he had changed it to a series of two-story offices with individual entries, "the idea being that the public aspect of the office would be on the ground floor and accessible, and the upper part would be private office space, storage,

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whatever." This in turn had allowed him to split the building in two, he explained, which then reduced the apparent mass of the project as viewed from the street.

Since the Applicant had been encouraged by the Site Plan Review Committee to play up the pedestrian aspect of the project, Mr. MacNelly continued, he had designed a trellised walkway along the various entrances to the offices. "The idea," he said, "was to turn it to the other side, both to capture the sun in there, but also to take advantage of the possibility of making this a purely pedestrian zone here and keep the driveway as a secondary element."

The architect then showed how the terrace in front was now at the sidewalk level and could be entered from either side. He also pointed to the shingled portico ("One member of the Tisbury board called it a fishing shack") that provided the threshold into the building, as well as the ramps that went from ground level up to the first floor. A grassed area, he said, would lie between the portico area and the parking lot in back of the building. He also described the areas around the building that would be covered with pervious pavers over sand.

As far as the articulation of the buildings was concerned, Mr. MacNelly observed that the long, larger building was very simple – "in the spirit of boatsheds" – punctuated with shed dormers, so there was a bit of articulation on the eaves line, although it was less formal than a gable. The small building in the back was slightly squarer, he said, "and we sort of see that one as a counterpoint to [the larger building], which would drop its apparent height further down..." The larger building had four units, and the smaller one had two, he noted, and the long wall on the back (parking lot) side was punctuated by bay windows that projected a couple of feet out.

Holding up the three-dimensional model, Mr. MacNelly asked the members to imagine the sightline going down State Road, with the trees providing a backdrop for the proposed building. Ms. Sibley confirmed with the architect that there were trees on the other properties nearby, although they were not represented on the model. Mr. MacNelly expressed the hope that the project would encourage further plantings along the edge of State Road on the other lots. He also mentioned that the Town was planning a sidewalk along there and that his design for the terrace in front allowed for that.

John Best, a Commission member at large from Tisbury, wondered if the trellis mentioned earlier was above an open, wooden deck. "It's going to be permeable, like a deck on a house?" he asked. Mr. MacNelly answered "yes." Responding to a question from Ms. Ottens-Sargent, the architect showed how the deck and ramp proceeded up from the ground level to the first floor entries.

Mr. Toole asked about the grading in another area on the lot. Mr. MacNelly explained that spot was part of their drainage system. "We've got some patch basins buried," he said. "We've got a very high water table, so we're using this grassy area there for some of the roof runoff and then the parking lot for the rest of it." Responding to a question

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from Mr. Best, the architect described how there would be a very shallow leaching field used just for drainage. "So you're too close to the water to put in leaching fields?" inquired Mr. Best. "Yes," answered Mr. MacNelly, who then explained further the grading of the site.

Chairman Vercruysse asked if the building would be hooked into the new sewer system planned for the Town. Yes, replied Mr. MacNelly, who explained that until the system was hooked up, the Applicant had been granted a variance or "bridge" to use the septic system already in place and that they had received an easement from the abutting property (also owned by the Applicant) to run the new sewer along the property line.

Ms. Ottens-Sargent wanted to know what Water Resources Planner William Wilcox had had to say about the handling of wastewater on the site. Ms. Rand noted that Mr. Wilcox had written a *Staff Report*, but the short answer was, "We're all set."

Ms. Greene inquired if there would be handicapped access to the second floor. "No," responded Mr. MacNelly, "the public spaces will be on the ground floor, and then the second floor will be private and not for the public." Ms. Greene also wanted to know if the parking lot would be paved. "No," answered Mr. MacNelly, "it's going to be pervious ... It'll be some kind of gravel surface or rap, something that allows water to penetrate." The only areas where a solid surface was necessary, he said, were at the steps outside the emergency exit and at the transition threshold from the parking area. Responding to another question from Ms. Greene, Mr. MacNelly pointed to where the handicapped parking spaces would be.

Christina Brown, a Commission member at large from Edgartown, asked how wide the driveway would be. Mr. MacNelly explained they had a 10-foot easement on the abutting property and they had planned on a 20-foot-wide driveway to allow for two-way traffic. Another factor in that decision – although, said the architect, they were not "wedded" to the driveway width – was that the Town had approached the Applicant about a bicycle path easement along the driveway, and the greater width would allow for that traffic as well. However, added Mr. MacNelly, he did have concerns about the driveway plan and would remain flexible, continuing to work with the Town.

Mr. Israel wondered how many spaces would be available to employees and tenants at the Tisbury Park-and-Ride. "Whatever is necessary, depending on the tenants and the employees," replied Mr. Murphy. Ms. Sibley wondered what would happen if the building had a tenant like a real estate agent, who would tend to come and go numerous times in the daily course of business. Mr. Murphy explained that one, they probably would not want to rent there, and two, the Applicant intended to assign a certain number of spaces with each unit. It would be up to the tenant, he said, whether or not he was willing to rent with that number of spaces available to him.

Ms. Sibley also wanted to know if the landscaping plan named the species of the various plantings that were planned. Yes, said Mr. MacNelly, they had that as well as a lighting

plan, plus some xeroxes of proposed light fixtures. Responding to a question from Ms. Greene, Mr. MacNelly described how they were planning two kinds of lights: bollard lights, which were the kind that stood about three and a half feet above the ground and shone light down, these being planned mainly for the paved areas; and wherever possible, wall sconces attached to the building to light the walkway. He pointed to the spots on the site plan where each type of lighting would be.

"When would those turn off?" inquired Ms. Greene. "I don't know," said Mr. MacNelly. "The last person out turns the lights off? We might have them on a timer. We haven't gotten that far, really. We could do it on a timer and we could have an exterior waterproof switch at the beginning and the end of the [walkway], something like that."

Mr. Israel asked about the sightlines for cars coming from the ArtCliff Diner on the one side and the Citgo gas station on the other. Mr. MacNelly pointed out that although there would be hedges along the front of the property and along the edges of the driveway, they would be kept low enough to allow for a clear view of the road. In addition, having a 20-foot-wide driveway would help with safe exiting from the site.

County Commission representative Daniel Flynn remarked that although it was commendable that employees would be using public transportation, the closest Park-and-Ride bus stop in the area was at the Steamship Authority terminal. One thing that should be considered in the future deliberations, he added, was pull-offs for the buses.

Ms. Ottens-Sargent suggested that the Commission formulate a condition that the Applicant continue to work with the Town on the public transportation concerns as well as on a possible Lagoon Pond easement. Mr. MacNelly responded, "We could go on record as saying, 'We are willing to participate and work with the Town,' however you want to word it, short of saying, 'Here's your easement, you fill in the blank,' because that could be problematical." A discussion ensued about various easement possibilities.

Ms. Sibley pointed out that there were indigenous equivalents for a number of the species shown on the planting plan, and she wondered if someone could explain why those particular ones had been chosen. Mr. Murphy pointed out that the Site Plan Review Committee restricted the species that could be planted in the Waterfront Commercial District. Could you plant native cedar instead of arborvitae? asked Ms. Sibley. "Yes," answered Mr. MacNelly, who added that the landscape designer, Chris Horiuchi, had looked for species that were hardy in that particular environment.

Staff Report.

Ms. Rand referred the members to the *Staff Report* dated September 28, 2001. [See the meeting file for a copy.] She then filled in some of the information that had not been available at the time the report was written. For one thing, she said, the Tisbury Board of Health had signed off on the drainage plan, having amended an earlier letter that stated the wrong square footage for the proposed building. For another, Water Resources

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Planner Wilcox had spoken to the project engineer about the drainage plan, and both had agreed that a 10-year-storm flow could be managed with the system being proposed.

Ms. Rand noted that Transportation Planner David Wessling had recommended bicycle racks on site. Also related to transportation issues, she said, was the fact that the parking arrangement did not allow room for delivery trucks to turn around. In addition, the Applicant had claimed that the new use on the site would produce less traffic than the car rental business, and Mr. Wessling had expressed concern that the Applicant had offered no figures to back up that claim.

Ms. Rand continued that the Site Plan Review Committee had sent a letter with comments, copies of which had been included in the members' packets. *[See the meeting file for a copy.]* There had been a single piece of correspondence from the public, she said, a letter of support from Joseph Gervais, who had an abutting business. Finally, concluded Ms. Rand, she had received the landscaping plan too late in the day to review it carefully, which she would do before the Applicant returned to the Land Use Planning Committee.

Addressing the traffic issue, Mr. Murphy explained that they had submitted a study that had concluded that the project would have little or no impact. That traffic study, he said, had been based on the square footage of the building and not on the 17 parking spaces. "Based even on that formula," he noted, "they said it would have a minimal impact."

On top of that, Mr. Murphy continued, the Applicant was arguing that the current business on the site – Atlantic Car Rentals – had a license for 75 cars. "I don't think it's fair to request the Applicant go hire an engineer to prove 17 is less than 75," he said. In addition, he pointed out, the building would be used primarily on weekdays and not during the more traffic-heavy weekends. And finally, he remarked, the 17 users of the lot would be locals and would have knowledge of the roadways.

Mr. Israel pointed out that the car rental business was not allowed to have 75 cars on the premises. A business like that, he said, could have so many on site and then three times that number off-site. "You could keep bringing them in, right?" responded Mr. Murphy. "They could conceivably rent 75 vehicles off that property in a day." "Yes, you could, that is correct," said Mr. Israel. "As opposed to 17 spaces," Mr. Murphy went on, "most of which, once the person pulls in, for the most part, they'll probably be there for the day."

Addressing the issue of the delivery trucks, Mr. MacNelly pointed to an area abutting the site that belonged to the Applicant, which was paved and could be used for a turnout. "If it's all paved, what's back there now?" asked Mr. Best. "Nothing, stuff," replied Mr. MacNelly, who said he thought that the car rental business might use that area to put returned vehicles. He also spoke briefly about the inaccurate figure in the letter from the Board of Health, which had been corrected. Responding to a question from Mr. Israel, Mr. MacNelly explained that the Applicant had been assigned a number of gallons of

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wastewater for the site, around 800 gallons, and that the project would be producing around 500 gallons a day.

Ms. Ottens-Sargent began to make comments about the aforementioned letter from the Site Plan Review Committee. Mr. Toole suggested that she wait until they had heard from a member of that committee, who would be offering testimony.

Testimony from Town Boards.

Anthony Peak, a member of the Tisbury Planning Board who was representing the Site Plan Review Committee for the Waterfront Commercial District, explained that the letter from the committee referred to earlier had been drafted quickly and to some degree reflected the personal opinion of the committee Chairman. He himself liked the idea of dormers to break up the roofline, he noted. In addition, he said, the committee had discussed the possibility of delineating the driveway.

Mr. Peak went on that the only caveat he would add was that the committee had been instituted by the zoning bylaw establishing the Waterfront Commercial District to discuss projects with Applicants, promulgate some guidelines and then advise the Zoning Official and the Planning Board. "So you just have to understand that that letter, its scope, is limited," he pointed out. "On the same hand, we had the attendance of Tristan [Israel] and some other Town committee members at the discussions we had. So I feel there was plenty of opportunity for the Town and others ... to voice their own opinions."

At the meeting of the Planning Board the night before, continued Mr. Peak, a few minor concerns had been voiced, although no one had expressed disagreement with the committee's report. "I think everybody's nervous because it's a big change," he observed. "By the same token, as I said, I think that Bruce [MacNelly] and the owners of the property have embraced the idea of trying to work within the guidelines we established and have shown a lot of sympathy for the confines and come up with a commercially viable product. And we appreciate that."

Mr. Peak addressed briefly the idea of an easement to provide for a pedestrian way so that those on foot would not have to funnel through the Five Corners intersection. "I think we have some reservations about its being used as anything but a pedestrian way," he remarked, referring to the Town's idea of including a bicycle path along the driveway as well.

Mr. Peak continued, "Because from my point of view, the reason for limiting the parking in that area is specifically to encourage the pedestrian use as well as to limit the amount of traffic generated onto a very busy street, and I think that the concurrent use of a fairly narrow easement through there for use by bicycles and pedestrians would be counterproductive to the advancement of the pedestrian use." He had concerns, he said, about bicycles entering the street from an uncontrolled intersection.

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Testimony from Members of the Public in Favor of the Proposal.

Joseph Gervais, who operated the insurance agency on a lot (also owned by the Applicant) abutting the property in question, stated that he wanted to see "this eyesore become something productive and an asset to our Town... I've seen the plan in several stages, and I am in support of it."

No testimony was offered from members of the public in opposition to the proposal or in general.

More Questions and Comments from Commission Members.

Ms. Sibley expressed concern that the landscape architect was not present, since she would really like to know the reasoning behind the choice of plant species. Ms. Greene pointed out that Ms. Rand would be getting further information on the landscaping and that this could be discussed when the Hearing was continued. "Then we could close the Hearing right after that," she said.

Chairman Vercruysse commented that in this particular case "the process had really worked... The owner especially was willing to have the patience and go through the process with the Town and us, and I think it's turned out very well. I want to say 'Thank you' for that."

Mr. Best expressed the opinion that since any changes to the landscaping came down to the choice of the species and not where the plantings would be, he would be comfortable closing the Hearing that evening. Ms. Green said she agreed, but pointed out that the only thing that would be heard in a Continued Public Hearing would be the amended species list, in other words, the Hearing would be opened and closed quickly.

Marcia Mulford Cini, a Commission member at large from Tisbury, asked if the purpose of keeping the Hearing open was to hear testimony or simply to get a letter explaining the choice of species and any changes in that plan. "Can't that be accomplished by just leaving the record open?" she proposed. Ms. Sibley wanted to know if there was any precedent for leaving the Hearing open for one purpose only. "Yes," answered Ms. Rand. The Staff Secretary explained that in similar cases the Notice of Public Hearing had specifically stated that the Continued Public Hearing was solely for the purpose of receiving a particular piece of testimony.

Following assurances from Messrs. Murphy and MacNelly that the Applicant would continue to be malleable with regard to the landscaping plan and a recommendation from the DRI Coordinator that the Hearing and Written Record both be closed, it was decided that the Hearing should be closed that evening. Mr. Peak told Ms. Sibley that he and his committee would be open to amending the list of permitted species in the district to encourage the planting of native species.

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Applicant Summary.

Mr. Murphy mentioned that the Applicant had made an offer of a \$19,000 for an affordable housing contribution. Mr. MacNelly emphasized that he will willing to discuss any concerns about the plan. "I would love to hear them now," he said.

Mr. Toole then closed the Hearing and the Written Record. The time was 8:59 p.m. Chairman Vercruysse called for a brief recess.

Reports.

The Special Meeting resumed at 9:08 p.m. The Commission took up Reports. *[Ms. Sibley had left the Meeting at recess and did not return. Thus, the Commission members seated from this point until the end of the Special Meeting were: J. Best; C. Brown; M. Cini; D. Flynn; J. Greene; T. Israel; M. Ottens-Sargent; K. Rusczyk; R. Toole; and J. Vercruysse.]*

For the **Chairman's Report**, Mr. Vercruysse noted that there had been some movement on the re-formation of the Joint Transportation Committee. He and Transportation Planner David Wessling were looking for a good cross-section of types of experiences in the membership. Mr. Israel pointed out that Tisbury Town Administrator Dennis Luttrell has expressed interest in serving on the committee.

The Chairman also reported that he had spoken with Commission Counsel Ronald Rappaport about having a fiscal structure in which to deposit donated funds for non-political Commission work. "We're working on that, and there's a meeting on the 16th of the Martha's Vineyard Permanent Endowment," he said. "It's possible that this would be an avenue for us, to have the money put there in sort of a blind trust situation."

The Staff Secretary mentioned that the other Commission members should be aware of all the time and work that the Chairman had been putting in. There was some applause.

Ms. Cini reported that a sparsely attended meeting of the **Finance Committee** had taken place on September 12. She added that the annual audit would be out soon, at which point the committee would meet again.

Mr. Toole provided the **All Island Selectman's Association (AISA) Report**, describing first a presentation by Patti Kellogg, the Watershed Team Leader in the Executive Office of Environmental Affairs. Mr. Toole suggested that if any of the Towns had projects on Island waters that they would like to see funded, they should attend the next meeting of the team, on November 6 at 10:30 a.m. at the Commission Offices.

Also on the agenda had been a presentation by Philippe Jordi, Executive Director of the Dukes County Regional Housing Authority, Mr. Toole continued. "Asking for money," interjected Kenneth N. Rusczyk, the Oak Bluffs Selectmen's Appointee. "Basically, yes,

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he was asking for money," said Mr. Toole, who related that the presentation had not been well organized.

Mr. Rusczyk described how Mr. Jordi had been unable to produce hard numbers as to how monies given in the past to the Housing Authority had been spent. Mr. Toole reported that in five years' time either the County or the Towns were going to have to pick up the expense of the Executive Director's salary, plus overhead costs and part of the Administrative Assistant's salary.

Mr. Rusczyk spoke of the lack of affordable housing on the Island and how that affected the need for new professionals, like teachers. It was difficult to attract those professionals, he said, because it was hard to buy a \$400,000 house on a \$50,000 annual salary. Mr. Flynn recounted how the County had provided the Housing Authority with \$40,000 the year before, in addition to the services of a grant writer, who had applied for rental conversion funds. He emphasized the importance of the Towns' committing to support the Housing Authority to keep it going.

Ms. Cini described how at the time that CEED money had been available – in the early 90s – the Housing Authority had had a reputation to overcome. She observed, "Now the Housing Authority's ready to do something, and they're saying, 'Okay, put up or shut up. Step up and hold hands with us and let's go forward together, or don't complain we're not doing anything.'" The discussion on affordable housing continued for some minutes.

Mr. Toole also reported on a presentation by Mr. Israel on Steamship Authority issues as well as a discussion with J.B. Riggs Parker, the Vineyard representative to the Steamship Authority's Board of Governors. "The Tisbury Selectmen felt that they don't have enough input into what the Steamship Authority does," said Mr. Toole, who then described how the Chair of the AISA Subcommittee on SSA Issues, Cynthia Mitchell, had summarized the arguments presented in the MVC Regular Meeting of September 20, during which an extended discussion on the Steamship Authority Service Model had taken place.

It had also been decided, Mr. Toole said, that the Selectmen would meet once more with Mr. Parker – in a Special Meeting on October 17 – before the Board of Governors took a vote on the proposed fast-ferry run out of New Bedford at their next meeting, on October 18. Mr. Rusczyk pointed out that by then the question of leasing a fast passenger ferry might be moot, since it was proving to be extremely difficult to find the type of vessel called for.

Mr. Toole related that toward the end of the meeting, Edgartown Selectman Fred B. Morgan, Jr., had raised the issue of Nantucket's and Falmouth's voting in the September Governors' meeting not to adhere to a policy that would enable the Vineyard to recapture a \$7 million credit by raising Nantucket fares. "That's going to mean increased fares for us," said Mr. Toole. He added that County Commission member Leonard Jason, Jr., had made a Motion that the Association write to the appointing authorities of the Nantucket

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and Falmouth Board of Governors representatives expressing disagreement with the rescinding of the policy.

Mr. Flynn remarked that he was quite concerned about the Board of Governors' September vote: "It scared me for the reason that Nantucket, when they go to these meetings, looks out for Nantucket, and Falmouth now is looking out for Falmouth, and New Bedford is looking out for the best interests of New Bedford. And Martha's Vineyard, because we are the group of people that we are, [is] looking out to Nantucket's interests because we see there's some validity to Nantucket['s viewpoint], and we're looking out for Falmouth's interests because we have a commitment to Falmouth... And Lenny [Jason] and I and Chuck [Clifford] and a lot of other people go to these meetings in Hyannis to help Barnstable out with their problems. And nobody's looking out for the interests of Martha's Vineyard."

Mr. Israel pointed out that Mr. Parker's primary concern was the financial solvency of the Steamship Authority, putting that above the interests of the Vineyard. He also expressed concern about the "Nantucket-bashing" that had been going on and the tension created by the uneasy relationship between Mr. Parker and Nantucket representative Grace Grossman.

The last item that had come up in the Association meeting, Mr. Toole concluded, was a Chapter 40B seminar in Marlboro on Saturday, October 20. Mr. Flynn mentioned that there had been a three-page article on Chapter 40B in *The Herald*. A brief discussion of Chapter 40B issues ensued.

Ms. Brown reported on the progress Edgartown had made in developing the regulations for the **Island of Chappaquiddick DCPC**. She described how 40 to 50 people continued to attend the weekly meetings and how they had been divided into smaller working groups, with each group addressing a different topic. Mr. Flynn wondered if the meetings were "balanced." "They are," replied Ms. Brown. "They are truly quite wonderful, because a number of people who spoke against the DCPC at the Hearing have been coming to these meetings and saying, 'Hey, it's here now. Let's work and see if we can make the best of it.'" She added that the details of the two-year building permit cap were almost worked out.

Chairman Vercruysse mentioned that he had heard that there was a pending application for a pier in the **Menemsha/Nashaquitsa Ponds District of Critical Planning Concern**. Regarding the **Island Harbors and Highways Infrastructure DCPC**, Ms. Brown remarked that a memorandum from Executive Director Charles W. Clifford distributed in the Regular Meeting of September 20 set out a number of issues that the **Planning and Economic Development Committee** should be working on.

Providing the **LUPC Report**, Mr. Toole related that the committee had met twice since the last Full Commission Meeting. On September 24 they had reviewed the **F&M Realty Trust Commercial Subdivision in Edgartown (DRI #546)**, he said, adding that

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there was nothing controversial about the Application. They had also conducted their last informal discussion with the **Beach Road Realty Trust Applicant (DRI #535)** that evening and then had met formally with the same Applicant on October 1. That same evening, concluded Mr. Toole, the committee had met as well with the **Zeltzer Holding Company Modification Applicant (DRI #485M)**.

Ms. Cini reported on the **Affordable Housing Policy Review Subcommittee**, describing some "disturbing news" about the California consultant doing the nexus study. Said consultant had not come east as planned, she said, and he had given some indication that he was not interested in continuing the study. Ms. Cini also related that she had a preliminary draft of John Ryan's affordable housing needs study for the Island Affordable Housing Fund, and she wondered if perhaps Mr. Ryan would be available for the nexus study if the California consultant were unwilling or unable to continue.

Appointment of Search Committee.

Chairman Vercruysse described how a meeting of those Commissioners interested in being on the Search Committee had been hastily called on Tuesday, October 2. In attendance had been: Jim Athearn; John Best; Marcia Cini; Dan Flynn; Jennie Greene; Megan Ottens-Sargent; Linda Sibley; Richard Toole; the Chairman himself; and Robert Zeltzer. Among other things, they had discussed, he said, how to write a job description for the new Executive Director (ED) and where to advertise the job offering. In addition, the Chairman was going to be interviewing all the Commission Staff members about their ideas on the type of ED they thought the MVC should hire.

The Commission's *By-Laws* indicated that the Search Committee was to be approved by the full Commission, Chairman Vercruysse continued, voting on a slate presented by the Chairman. His thought was to appoint one member from each Town and the County and to have a balance of male and female members, he said. "So it's open for discussion," he said, adding that membership was a big commitment and promised to be time-consuming.

The Chairman went on that he had thought about the job description in the days since the meeting, and he had decided the advertisement should be "quick, cheap and simple. The job description can be 10 pages, even 20 pages." Mr. Rusczyk suggested that they get their hands on the materials used by the Cape Cod Commission in their own search. He also recommended advertising in *The Beacon*, which is the State clearinghouse for all public servants. In addition, that publication might already have a job description the committee could use, he said.

Responding to a question from Mr. Israel, the Chairman outlined the search and hiring process, assuring the Tisbury Selectman that the full Commission would be directly involved in the final outcome. He explained that it was a public process until the applications began to come in, after which the committee would meet in Executive Session. He added that a core group of three or four members of the committee would be

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taking the ideas from the full committee about a job description and formulating one to send to the candidates.

A brief discussion ensued regarding the commitment required of committee members. Mr. Flynn pointed out that the *By-Laws* indicated that any Commission member could attend the Search Committee meetings. "That could be cumbersome," he remarked. "We can make our own committee rules," suggested Ms. Greene. "Still, they can't supersede the *By-Laws*," responded Mr. Flynn. Ms. Greene recommended restricting the portion of the meetings during which non-members could participate. Also, she said, non-members would not have a vote. "That's a good idea," said Mr. Toole. Mr. Flynn emphasized that as much as possible the group should be able to operate with autonomy.

The Chairman asked if anyone present who had not attended the Tuesday meeting wished to serve on the Search Committee. Mr. Israel wanted to know when the committee would be meeting. Chairman Vercruysse replied that the meetings would probably be set for Thursday evenings, before the Full Commission Meetings. Ms. Greene pointed out that since the résumés could not be copied or leave the Commission Offices, committee members would probably be required to come in on weekends to read them. The DRI Coordinator reminded those present that the Down Island Golf Club Hearing sessions would be beginning at 6:30 on Thursday evenings.

Ms. Brown mentioned that she thought Edgartown Selectmen's Appointee Michael Donaroma was interested in serving on the Search Committee. After further discussion, the Chairman presented the slate: J. Athearn; M. Cini; M. Donaroma; D. Flynn; J. Greene; L. Sibley; R. Toole; J. Vercruysse; and R. Zeltzer. Mr. Israel made a **Motion To Accept The Slate For The Search Committee As Presented**, duly seconded by Ms. Brown.

Mr. Flynn said he would do his best to attend all committee meetings. Ms. Brown asked the Chairman to repeat the list, which he did. Mr. Israel remarked that if someone on the list could not serve, he would be willing to. Ms. Greene cautioned about the inadvisability of using alternates, and the others agreed. The Chairman then conducted a voice vote on Mr. Israel's Motion. All present voted Aye, except for Mr. Best, who abstained.

Letter to Senator Rosenberg re: State Senate Redistricting.

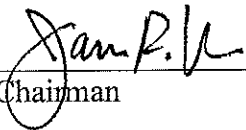
Chairman Vercruysse referred the members to a draft letter to State Senator Stanley C. Rosenberg, Chairman of the Senate Redistricting Committee, regarding the MVC's recommendation that Senator Robert O'Leary continue to serve both the Cape and the Islands. *[See the meeting file for a copy of the letter.]* Ms. Brown made a **Motion That The Commission Ask The Chairman To Sign And Mail The Letter To Senator Rosenberg**, duly seconded by Mr. Flynn. By voice vote, said Motion carried unanimously.

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News on the Down Island Golf Club Application Process (DRI #543).

Regarding the Down Island Golf Club Application process (DRI #543), DRI Coordinator Jennifer Rand announced the following: 1) that the Hearing sessions at the Regional High School cafeteria would begin at 6:30 p.m. and end promptly at 9:30 p.m.; 2) that the *Staff Report* would be mailed the following day and Commission members were encouraged to come to her as soon as possible with questions so she could forward them to the Applicant; and 3) that the members had to decide if and when they wanted a site visit.


Mr. Flynn made a **Motion to Adjourn**, duly seconded. The Special Meeting adjourned at 9:55 p.m.



Chairman

11.29.01

Date



Clerk-Treasurer

11.29.01

Date

PRESENT: J. Best; C. Brown; M. Cini; D. Flynn; J. Greene; T. Israel;
M. Ottens-Sargent; K. Rusczyk; L. Sibley; R. Toole;
J. Vercruysse; and R. Zeltzer.

ABSENT: J. Athearn; A. Bilzerian; M. Donaroma; E. Horne; C.M. Oglesby;
J.P. Kelley; R.L. Taylor; K. Warner; and A. Woodruff.

[These Minutes were prepared by Staff Secretary Pia Webster using her shorthand notes as well as a tape recording of the Special Meeting.]

***Summary of Revisions to the
Meeting Minutes of October 4, 2001
Proposed by the Commission Members
in the Meeting of November 1, 2001***

[An excerpt from the Meeting Minutes of November 1, 2001 follows immediately. It describes the revisions requested by the Commission members with regard to the Meeting Minutes of October 4, 2001.]

<i>Page</i>	<i>Para.</i>	<i>Sent.</i>	<i>Proposed Revision</i>
12	4	1	Change the acronym "SEED" to "CEED".
14	2	2	Delete the words "due to the September 11 act of terrorism".
14	2	3	Add to the end of the sentence the following: "if the California consultant were unwilling or unable to continue".